

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ABDELLAH H. ESMAIL ~~2004 APR 30 P 2:56~~)
)
Petitioner)
)
v.) Civil Action No.
) 04cv11358-GAO
)
JOSEPH MCDONOUGH, ET AL.,)
)
Respondent)

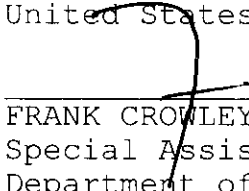
MOTION TO DISMISS

Respondent¹ moves to dismiss this action pursuant to Fed. R. Civ. P. rules 12(b)(1) for lack of subject matter jurisdiction and failure to state a claim upon which relief may be granted.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

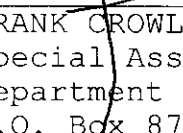
By:


FRANK CROWLEY
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¹ The responsive official of the Department of Homeland Security having control of petitioner's immigration custody in the instant action is Bruce Chadbourne, Field Director for Detention and Removal, Bureau of Immigration and Customs Enforcement ("ICE") in Boston, Massachusetts.

CERTIFICATE OF SERVICE

I hereby certify that I caused true copy of the above document to be served upon pro se petitioner by mail on June 30, 2004.



FRANK CROWLEY
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